

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q93303

Hirokazu KUWABARA, et al.

Appln. No.: 10/568,577

Group Art Unit: 1625

Confirmation No.: 6508

Examiner: Zinna Northington Davis

Filed: August 29, 2006

For: PYRIDYLTETRAHYDROPYRIDINES AND PYRIDYLPYPERIDINES, AND METHOD OF
MANUFACTURING THEM

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES
REQUIREMENTS**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirement, dated October 29, 2008. In response to the Restriction Requirement, Applicant elects Group I, claim 1 for examination. This election is made without traverse, except it is submitted that claim 5 is not limited to a process of preparing a chemical compound of formula (IV), and thus it should be included in Group I.

This also responds to the Election of Species Requirement, dated October 29, 2008. The Examiner has identified the application as containing claims directed to more than one distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes there are no generic claims. Applicant has been advised that a response to this requirement shall

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include an identification of the species that is elected and a listing of all claims readable thereon.

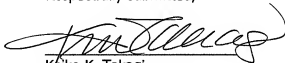
In response to the Examiner's requirement, Applicant elects compound (I)-2 on page 42 (R1 = Br and R2 and R3 = H in claim 1; R13 = Br and R14 and R15 = H in claim 5; and R1 = bromine atom in claim 6) for examination on which claims 1, 5 and 6 (added in the Preliminary Amendment submitted herewith) are readable.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 2-5.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: November 26, 2008